

REMARKS/ARGUMENTS

Claims 31-49 and 55-60 are pending in the application. Applicant, by this paper, amends claim 43. Applicant cancels without prejudice claims 50-54, which were withdrawn in response to the Restriction Requirement dated February 7, 2008. No new matter is added in the claim amendments.

Claims 40-42 and 44-45 were objected to as being dependent upon a rejected base claim, but would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant thanks the Examiner for the indication of allowable subject matter but does not amend the objected to claims at this time based on the believed allowability of the independent claims from which they depend.

Applicant respectfully requests reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 U.S.C. §112

Claim 43 was rejected under 35 U.S.C. §112, second paragraph, for having insufficient antecedent basis for the term "the DRC."

Applicant amends claim 43 to depend from claim 40, rather than claim 31. Claim 40 provides antecedent basis for the term "the DRC." Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §112, second paragraph, in light of the claim amendment.

No other rejections to claim 43 remain following withdrawal of the rejection under 35 U.S.C. §112, second paragraph. Applicant respectfully requests allowance of claim 43.

Discussion of Rejections Under 35 U.S.C. §102

Claims 31, 33-38, 46-47, 49, and 60 were rejected under 35 U.S.C. §102(a) as allegedly anticipated by U.S. Patent No. 6,256,301 to Tiedemann, Jr. et al. (hereinafter Tiedemann). Applicant respectfully traverses the rejection.

Applicant contends that Tiedemann does not qualify as a prior art reference. The instant application is a Continuation and claims priority to patent application Ser. No. 10/007,206 entitled "Method and Apparatus for Rapid Assignment of a Traffic Channel in Digital Cellular Communication Systems" filed Nov. 9, 2001, now issued as U.S. Pat. No. 6,741,861, which is a Continuation of patent application Ser. No. 09/158,697 entitled "Method and Apparatus for Rapid Assignment of a Traffic Channel in Digital Cellular

Communication Systems" filed Sep. 22, 1998, now issued as U.S. Pat. No. 6,366,779. *See, Application*, at paragraph [0001].

The instant application is thus accorded an effective filing date of September 22, 1998, corresponding to the filing date of the earliest application for which benefit is claimed under 35 U.S.C. §120.

Tiedemann has a filing date of October 15, 1998, which is after the effective filing date of September 22, 1998. Thus, Tiedemann fails to qualify as a prior art reference.

Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §102(a) because Tiedemann fails to qualify as a prior art reference.

#### **Discussion of Rejections Under 35 U.S.C. §103**

Claims 32 and 39 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Tiedemann in view of U.S. Patent No. 5,590,177 to Vilmur et al. (hereinafter Vilmur).

Claim 48 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Tiedemann in view of U.S. Patent No. 5,926,500 to Odenwalder (hereinafter Odenwalder).

Claims 55-56 and 58-59 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Tiedemann in view of U.S. Patent No. 5,381,464 to O'Keefe et al. (hereinafter O'Keefe).

Claim 57 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over O'Keefe and Tiedemann in view of U.S. Patent No. 6,574,211 to Padovani et al. (hereinafter Padovani).

Applicant respectfully traverses the rejections. As discussed above in relation to the rejections under 35 U.S.C. §102, Tiedemann fails to qualify as a prior art reference. Each of the rejections under 35 U.S.C. §103(a) relies on Tiedemann for the teaching or suggestion of one or more claimed features. The Vilmur, Odenwalder, O'Keefe, and Padovani references, whether alone or in combination, fail to teach or suggest every claimed feature of claims 32, 39, 48, 55-56 and 58-59. Indeed, the Examiner does not contend that any of Vilmur, Odenwalder, O'Keefe, and Padovani, whether alone or in combination, teaches or suggests the claimed features in the absence of the Tiedemann reference.

Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §103(a) and allowance of the claims.

**CONCLUSION**

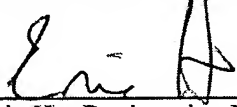
Applicant believes that all claims pending in the application are allowable. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Applicant petitions the Director of the United States Patent Office to extend the time for reply to the Office Action dated May 7, 2008 for one month and authorizes the charge as set forth in §1.17(a) to Deposit Account No. 17-0026. Applicant believes that the instant response is filed within the period for response provided in the Office Action of May 7, 2008 extended by one month as provided for under 37 CFR 1.136.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: September 8, 2008

Respectfully submitted,

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